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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,978	06/17/1999	JOHN C. WEBBER	1365-021C	5936

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STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
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DUBLIN, OH 43017

EXAMINER

PASS, NATALIE

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/334,978

Applicant(s)

WEBBER ET AL.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) Claims 1-9, 11, 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) Claims 1-9, 11, 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 10 February 2005. Claims 1, 4, 9, 11, 18, and 21 have been amended. Claims 10 and 12 have been cancelled. Claims 1-9, 11, 13-26 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al., U.S. Patent Number 5, 715, 448 in view of Shavit et al., U.S. Patent Number 4, 799, 156, and further in view of King, Jr. et al, U.S. Patent Number 5, 319, 542 for substantially the same reasons given in the previous Office Action (paper number 09202004). Further reasons appear hereinbelow.

(A) Claim 1 has been amended to recite the limitations of

- ♦ " for transmitting updates to said product information" in lines 5 and 9;
- ♦ "said updates to product information from said first merchant computer and said second merchant computer" in lines 12-13;

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- ♦ "receiving a search request from a customer computer, said search request comprising a search parameter for searching said database to select product information from said database" in lines 14-17;
- ♦ "selected according to said search parameter" in lines 17-18;
- ♦ "a second computer program at said network host computer for searching said database using said search parameter to select product information from the database, said searching performed 1) when said search request is received from said customer computer and 2) when said first merchant computer or said second merchant computer transmits updates to said product information in said database at said network host computer" in lines 21-26;
- ♦ "continuously" in line 28;
- ♦ "at said customer computer continuous" in line 30; and
- ♦ "responsive to said search request" in lines 31-32.

As per these new limitations, Suzuki, Shavit and King teach an electronic shopping system further comprising

transmitting updates to said product information (Suzuki; Figure 9, Item S12, column 5, lines 31-32, 47-48, column 8, lines 59-64, column 9, lines 1-6);

said updates to product information from said first merchant computer and said second merchant computer (Suzuki; Figure 2, column 3, lines 10-11), (Shavit; see at least Figure 18, Items 440, 446, column 6, line 51 to column 8, line 14, column 12, line 41 to column 13, line 26, column 40, lines 17-21);

receiving a search request from a customer computer (Suzuki; Figure 1, Item 20), said search request comprising a search parameter for searching said database to select product

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information from said database (Suzuki; column 8, lines 59-64, Figure 9, Item S12), (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

selected according to said search parameter (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

a second computer program at said network host computer for searching said database using said search parameter to select product information from the database, said searching performed 1) when said search request is received from said customer computer and 2) when said first merchant computer or said second merchant computer transmits updates to said product information in said database at said network host computer (Shavit; see at least Figure 18, Items 440, 446, column 6, line 51 to column 8, line 14, column 12, line 41 to column 13, line 26, column 40, lines 17-21);

transmitted continuously to said customer computer from said network host computer (Shavit; column 7, lines 42-45, 49-57); Examiner interprets Shavit's teaching of "communication modes may be... interactive, involving continuous flow ... in both directions" as teaching "transmitted continuously ... ";

submitted a request to receive at said customer computer continuous updates to said assimilated product information responsive to said search request (Shavit; column 7, lines 42-45, 49-53); Examiner interprets Shavit's teaching of "when an event that was flagged by the subscriber [i.e. "requested"] occurs, a message is displayed on the ... remote terminal Events that may be flagged include a shortage of inventory" as teaching "submitted a request to receive at said customer computer interactive (reads on "continuous") updates to said assimilated product information responsive to said search request."

The remainder of claim 1 is rejected for the same reasons given in the prior Office Action (paper number 09202004, section 4, pages 2-8), and incorporated herein.

The motivations for combining the respective teachings of Suzuki, Shavit and King are as given in the rejection of claim 1 in the prior Office Action (paper number 09202004) and incorporated herein.

(B) As per the amendments to claims 4 and 9, these appear to have been made merely to correct errors in the claim language. While these changes render the language of the claims smoother and more consistent, they otherwise affects neither the scope and breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 09202004, section 4, pages 2-8), incorporated herein, and as discussed above in the rejection of amended claim 1, and also incorporated herein.

(C) Claim 3 has not been amended and is rejected for the same reasons given in the previous Office Action (paper number 09202004, section 4, pages 2-8), and incorporated herein.

4. Claims 11, 13, 18-19, 21, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al., U.S. Patent Number 5, 715, 448 in view of Shavit et al., U.S. Patent Number 4, 799, 156, and King, Jr. et al, U.S. Patent Number 5, 319, 542 for substantially the same reasons given in the previous Office Action (paper number 09202004) and further in view of Hill, U.S. Patent Number 5, 528, 490.

(A) Claim 11 has been amended to recite the limitations of

- ♦ "updates to product information" in lines 3 and 6;
- ♦ "said search request comprising at least one search parameter for searching said database and selecting product information from said database " in lines 16-18;
- ♦ "searching said database using said search parameter to select product information relevant to said search request" in lines 19-20;
- ♦ "determining whether updates to product information from said first merchant computer or said second merchant computer have been received at said network host computer and stored in said database" in lines 29-31;
- ♦ "searching said database using said search parameter to select updated product information relevant to said search request" in lines 32-33;
- ♦ "assimilating said updated product information from said database selected using said search parameter from said search request" in lines 34-35; and
- ♦ "displaying said updated assimilated product information at said customer computer" in lines 43-44.

As per these new limitations, Suzuki, Shavit and King teach a method for electronic shopping further comprising

transmitting updates to product information (Suzuki; Figure 9, Item S12, column 5, lines 31-32, 47-48, column 8, lines 59-64, column 9, lines 1-6);

said search request comprising at least one search parameter for searching said database and selecting product information from said database (Suzuki; column 8, lines 59-64, Figure 9,

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Item S12), (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

searching said database using said search parameter to select product information relevant to said search request (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

searching said database using said search parameter to select updated product information relevant to said search request (Shavit; column 6, line 51 to column 8, line 14, column 12, line 41 to column 13, line 26, column 40, lines 17-21);

assimilating or processing said updated product information from said database selected using said search parameter from said search request (Suzuki; Figure 3, Figure 9, Item S12, column 5, lines 6-9, 31-32, 47-48, column 8, line 59 to column 9, line 6); and

displaying said updated assimilated or processed product information at said customer computer (Suzuki; column 9, lines 1-6), (King; column 1, lines 35-41, column 2, lines 1-11, column 7, lines 35-37).

Suzuki, Shavit and King fail to explicitly disclose determining whether updates to product information from said first merchant computer or said second merchant computer have been received at said network host computer and stored in said database.

However, the above features are well-known in the art, as evidenced by Hill.

In particular, Hill teaches determining whether updates to product information from said first merchant computer or said second merchant computer have been received at said network host computer and stored in said database (Hill; column 3, lines 23-34, column 3, line 63 to column 4, line 5).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Suzuki, Shavit and King to include determining whether updates to product information from said first merchant computer or said second merchant computer have been received at said network host computer and stored in said database, as taught by Hill, with the motivation of providing the customer with an instantaneous distribution of the latest catalog data available (Hill, column 2, lines 3-5).

The remainder of claim 11 is rejected for the same reasons given in the prior Office Action (paper number 09202004, section 4, pages 2-8), and incorporated herein.

The motivations for combining the respective teachings of Suzuki, Shavit and King are as given in the rejection of claim 1 in the prior Office Action (paper number 09202004) and incorporated herein.

(B) Claim 18 has been amended to recite the limitations of

- ♦ "from said customer computer" in line 15;
- ♦ "said search request comprising at least one search parameter for searching said database" in lines 16-17;
- ♦ "searching said database using said search parameter to select product information relevant to said search request" in lines 18-19;
- ♦ "selected using said search parameter" in line 20;
- ♦ "for product information from said database" in lines 23-24;
- ♦ "continuous" in lines 30, 31, 33;
- ♦ "related to said search parameter in said search request for product information" in lines 34-35;

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- ♦ "said network host computer determines" in line 36; and
- ♦ "related to said search parameter in said search request for product information" in lines 38-39.

As per these new limitations, Suzuki, Shavit, King and Hill teach a method for obtaining real time product information further comprising

receiving from said customer computer a search request for product information from said database, said search request comprising at least one search parameter for searching said database (Suzuki; column 8, lines 59-64, Figure 9, Item S12), (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

searching said database using said search parameter to select product information relevant to said search request (Suzuki; column 8, lines 59-64, Figure 9, Item S12), (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

assimilating or processing said product information selected using said search parameter (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14), (Suzuki; Figure 3, column 5, lines 6-9);

in response to said search request from said customer computer for product information from said database (Suzuki; column 8, lines 59-64, Figure 9, Item S12), (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14);

wherein said continuous updates are assimilated and transmitted (Shavit; column 7, lines 42-45, 49-57, column 8, lines 12-15) Examiner interprets Shavit's teaching of "communication modes may be... interactive, involving continuous flow ... in both directions" and "an

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interactive mode is provided in which the system computer translates (reads on assimilates) and transmits transactions to and from a user subscriber's computer system" as teaching "continuous updates are assimilated and transmitted ...";

requested continuous updates related to said search parameter in said search request for product information (Shavit; column 7, lines 42-45, 49-53); Examiner interprets Shavit's teaching of "when an event that was flagged by the subscriber [i.e. "requested"] occurs, a message is displayed on the ... remote terminal Events that may be flagged include a shortage of inventory" as teaching "requested interactive (reads on "continuous") updates related to said search parameter in said search request for product information;"

said network host computer determines said first merchant computer or said second merchant computer has transmitted updates to said product information in said database related to said search parameter in said search request for product information (Hill; column 3, line 63 to column 4, line 5).

The remainder of claim 18 is rejected for the same reasons given in the prior Office Action (paper number 09202004, section 4, pages 2-8), and incorporated herein.

The motivations for combining the respective teachings of Suzuki, Shavit, King and Hill are as given in the rejection of claim 1 in the prior Office Action (paper number 09202004) and incorporated herein and of claim 11 in the present Office Action and also incorporated herein.

(C) Claim 21 has been amended to recite the limitations of

- ♦ "a customer computer connected to said host computer for transmitting to said host computer at least one search parameter for selecting product information in said database" in lines 8-10;

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- ♦ "searching said database using said search parameter from said customer computer" in lines 11-12;
- ♦ "from said database relevant to said search parameter" in line 13;
- ♦ "from said database selected according to said search parameter" in lines 18-19, 21-22 and 24-25;
- ♦ "transmits to said customer computer" in line 19;
- ♦ "said network host computer determines" in line 25-26; and
- ♦ "said assimilated product information and said updates to said assimilated product information selected from said database using said search parameter" in lines 31-32.

As per these new limitations, Suzuki, Shavit, King and Hill teach a real time shopping system further comprising

a customer computer connected to said host computer for transmitting to said host computer at least one search parameter for selecting product information in said database (Shavit; column 10, line 35, column 14, lines 56-61, column 15, lines 50-59, column 17, lines 11-14), (Suzuki; column 8, lines 59-64, Figure 9, Item S12);

a computer program at said host computer for searching said database using said search parameter from said customer computer (Shavit; see at least Figure 18, Items 440, 446, column 6, line 51 to column 8, line 14, column 12, line 41 to column 13, line 26, column 40, lines 17-21);

and assimilating said product information from said database relevant to said search parameter (Suzuki; Figure 3, Figure 9, Item S12, column 5, lines 6-9, 31-32, 47-48, column 8, line 59 to column 9, line 6);

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transmits from said database selected according to said search parameter (Shavit; column 7, lines 42-45, 49-57);

transmits to said customer computer continuous updates from said database selected according to said search parameter (Shavit; column 7, lines 42-45, 49-57) Examiner interprets Shavit's teaching of "communication modes may be... interactive, involving continuous flow ... in both directions" as teaching "transmits to said customer computer continuous updates from said database selected according to said search parameter";

said network host computer determines that at least one of said plurality of merchant computers has transmitted to said database an update to said product information in said database (Hill; column 3, line 63 to column 4, line 5); and

a display at said customer computer for presenting said assimilated product information and said updates to said assimilated product information selected from said database using said search parameter (Suzuki; Figure 2, column 4, lines 22-29, column 9, lines 1-6), (King; column 1, lines 35-41, column 2, lines 1-11, column 7, lines 35-37).

The remainder of claim 21 is rejected for the same reasons given in the prior Office Action (paper number 09202004, section 4, pages 2-8), and incorporated herein.

The motivations for combining the respective teachings of Suzuki, Shavit, King and Hill are as given in the rejection of claim 1 in the prior Office Action (paper number 09202004) and incorporated herein, and also of claim 11 in the present Office Action, also incorporated herein.

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(D) Claims 13, 19, 26, have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 09202004, section 4, pages 2-8), and incorporated herein.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 5, 715, 448 in view of Shavit et al, U.S. Patent Number 4, 799, 156, and King, Jr. et al, U.S. Patent Number 5, 319, 542 as applied to claim 1 above, and further in view of Atcheson, U.S. Patent Number 5, 583, 763 for substantially the same reasons given in the previous Office Action (paper number 15). Further reasons appear hereinbelow.

(A) Claim 2 has not been amended and is rejected for the same reasons given in the previous Office Action (paper number 09202004, section 5, pages 9-10), and incorporated herein.

6. Claims 14-15, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 5, 715, 448 in view of Shavit et al, U.S. Patent Number 4, 799, 156, and King, Jr. et al, U.S. Patent Number 5, 319, 542 as applied to claims 11, and 21 above, and further in view of Atcheson, U.S. Patent Number 5, 583, 763 for substantially the same reasons given in the previous Office Action (paper number 09202004), and further in view of Hill, U.S. Patent Number 5, 528, 490. Further reasons appear hereinbelow.

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(A) Claims 14-15, 22-23, have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 09202004, section 5, pages 9-10), and incorporated herein.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 5, 715, 448, in view of Shavit et al, U.S. Patent Number 4, 799, 156 and King, Jr. et al, U.S. Patent Number 5, 319, 542 as applied to claim 1 above, and further in view of Filepp, U.S. Patent Number 5, 347, 632 for substantially the same reasons given in the previous Office Action (paper number 09202004). Further reasons appear hereinbelow.

(A) Claims 5-8 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 09202004, section 6, pages 10-12), and incorporated herein.

8. Claims 16-17, 20, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 5, 715, 448, in view of Shavit et al, U.S. Patent Number 4, 799, 156 and King, Jr. et al, U.S. Patent Number 5, 319, 542 as applied to claims 11, 18 and 21 above, and further in view of Filepp, U.S. Patent Number 5, 347, 632 for substantially the same reasons given in the previous Office Action (paper number 09202004), and further in view of Hill, U.S. Patent Number 5, 528, 490. Further reasons appear hereinbelow.

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(A) Claims 16-17, 20, 24-25 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 09202004, section 6, pages 10-12), and incorporated herein.

Response to Arguments

9. Applicant's arguments filed 10 February 2005 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 10 February 2005.

At pages 17-20 of the 10 February 2005 response, Applicant argues that the features in the Application are not taught or suggested by the applied references. In response, all of the limitations which Applicant disputes as missing in the applied references, including the newly added features in the 10 February 2005 amendment, have been fully addressed by the Examiner as obvious in view of the collective teachings of Suzuki, Shavit, King, Atcheson, Filepp, and Hill, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (paper number 09202004), and incorporated herein. In particular, Examiner notes that the newly recited limitations of "said searching performed 1) when said search request is received from said customer computer and 2) when said first merchant computer or said second merchant computer transmits updates" are taught by the combination of applied references. Specifically, Examiner interprets Shavit's teachings of

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"[c]ommunication modes may be ... interactive involving a continuous flow of transactions in both directions" (Shavit; column 7, lines 42-44);

"[a]n Alert feature is available to subscribers using direct point to point communications with the system..." (Shavit; column 7, lines 46-47);

"[e]vents that may be flagged include a shortage of inventory...and [an] incoming request for quotation (RFQ) from an important customer" (Shavit; column 7, lines 52-56);

"... Various transactions may involve an interactive mode in which complete interactive service is provided with immediate confirmation based on a local system data base. Interactive service may also be based upon a data base residing in another subscriber's remote computing center such that the interactive process requires retrieving [...] information on the remote data base. In addition, an interactive mode is provided in which the system computer translates and transmits transactions to and from a user subscriber's computer system. ..." (Shavit; column 8, lines 5-15);

as teaching these argued limitations. Examiner interprets Shavit's teaching of an event that is flagged by a customer computer, which includes realtime, or updated, online events, as teaching a single request for updated information that has been interactively updated at a database that can be either local or remote, i.e. "based upon a data base residing in another subscriber's remote computing center such that the interactive process requires retrieving [...] information on the remote data base."

With respect to Applicant's argument at paragraph 2, on page 17 of the 10 February 2005 response that the applied references do not teach a "connection between the database updates and the interactive, online communications," this has been previously discussed in this Office Action.

With respect to Applicant's argument at paragraph 2, on page 17 of the 10 February 2005 response that the applied references do not teach "the use of search parameters from a search

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request to provide product information and to provide continuous updates to the product information," Examiner respectfully disagrees. Examiner interprets Suzuki's teaching of

"[i]f the operation is a retrieval mode (step S11), the host computer 52 retrieves the integrated database DB 53 in accordance with the retrieval condition in response to the request from the apparel manufacturer 10 or the textile company 20 (step S12), and the result is transmitted," (emphasis added) Suzuki; column 8, lines 59-64);

to teach the use of search parameters in accordance with the argued limitation.

With respect to Applicant's argument at the last paragraph on page 19 of the 10 February 2005 response that the applied references do not teach a "transmission of updates to product information at a customer's computer based on a single search request," this is not a claimed limitation, however this feature has been previously discussed in this Office Action.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Castonguay et al., U.S. Patent Number 5,911,134, Marshall, U.S. Patent Number 5,774,878 and the article teach the environment of obtaining real time product information.

Transaction Processing Modes. Computer Control and Audit Guide. 1997. [Retrieved on May 19, 2005]. Retrieved from Internet. URL:

<<http://www.arts.uwaterloo.ca/ACCT/ccag/chapter1/chpt1sect2topic6.htm>> and

<<http://www.arts.uwaterloo.ca/ACCT/ccag/acknow.htm>>.

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687.

For formal communications, please mark

"EXPEDITED PROCEDURE".

For informal or draft communications, please

label **"PROPOSED"** or **"DRAFT"** on the front page of

the communication and do **NOT** sign the

communication.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP

Natalie A. Pass

May 24, 2005

Joseph Thomas
JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600